

REMARKS

The foregoing proposed amendments to the claims are now submitted in accordance with the Examiner's suggestion: "--Applicant--amend claims 2, 7, 9, 12, 13, and 16 to overcome the 112 issue", as set forth on page 2 of the Advisory Action. Thus, after careful review of the record in this case, the previously proposed amendments to the claims are now resubmitted so as to incorporate changes suggested by the Examiner as set forth on page 2 of his Advisory Action. Such changes are as follows:

1) Amended claims 2, 9, 12 and 13 are resubmitted with the phrase "of the composite structure" inserted after "fabrication" on line 2.

2) Amended claim 16 is resubmitted with the phrase "of the composite structure" replacing the word "thereof" after "formation".

3) Claim 4 as well as claims 5, 7 and 11 are now to be cancelled. Since claim 14 is dependent from claim 13, it is being retained. Claim 1 has already been cancelled.

In view of the foregoing, entry of the amendments to the claims, as now proposed, is expected since they were suggested by the Examiner so as to overcome a final rejection under 35 U.S.C. 112.

Since claims 2, 9, 12, 13, 14 and 16 were not again rejected on the merits on grounds previously set forth in regard thereto, one would ordinarily expect an allowance thereof. Nevertheless, the Examiner points out on page 2 of the Advisory Action that such allowable claims will be again rejected on grounds that were not utilized in the present Final Office action.

Furthermore, such rejections on the merits were opposed by applicant's arguments of record just before the present Final Office action and were therefore never contested by the Examiner. The Examiner is therefore urged to allow the amended claims on that basis without further delay.

This Second Amendment Under Rule 116 is replacing the Amendment Under Rule 116 that was filed on Sept. 30, 2002 with authorization to charge our Deposit Account No. 50-0958. Accordingly, please transfer such unused charge to cover any new fee associated with this Second Rule 116 Amendment and credit the same deposit account if any overpayment is involved.

Respectfully submitted,

A handwritten signature in cursive script, reading "Jacob Shuster".

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MARKED-UP VERSION OF AMENDMENTS

TO THE CLAIMS

Rewrite claims 2, 9, 12, 13 and 16 as follows:

2. (Amended) A process of forming a composite structure by applying a barrier to an underlying substrate during fabrication of the composite structure, including the steps of: introducing a fire resisting agent to the barrier after formation thereof; and attaching the barrier to the substrate before completing the fabrication of the composite structure; [The process as defined in claim 1, wherein] said step of introducing the fire resisting agent [comprises] comprising: in-situ infusion of the agent into the barrier during said fabrication of the composite structure.
9. (Amended) A process of forming a composite structure by applying a barrier to an underlying substrate during fabrication of the composite structure, including the steps of: introducing a fire resisting agent to the barrier after formation thereof; and attaching the barrier to the substrate before completing the fabrication of the composite structure; [The process as defined in claim 1, wherein] the barrier [is] being an intumescent mat and the fire resisting agent [is] being a phenolic resin.
12. (Amended) A process of forming a composite structure by applying a barrier to an underlying substrate during fabrication of the composite structure, including the steps of: introducing a fire resisting agent to the barrier after formation thereof; and attaching the barrier to the substrate before completing the fabrication of the composite structure; [The process as defined in claim 1, wherein] said attaching of the barrier being [is] performed by bonding thereof to the substrate by application of an adhesive between the barrier and the substrate.

13. (Amended) A process of forming a composite structure by applying a barrier to an underlying substrate during fabrication of the composite structure, including the steps of: introducing a fire resisting agent to the barrier after formation thereof; and attaching the barrier to the substrate before completing the fabrication of the composite structure; [The process as defined in claim 1, wherein] said attaching of the barrier [is] being effected in response to said introducing of the fire resisting agent by infusion into the barrier during formation of the substrate.

16. (Amended) A process for protective fabrication of a composite structure by applying a barrier layer after formation [thereof] of the composite structure to an underlying substrate, the improvement residing in the steps of: introducing a fire resisting agent by in-situ infusion into the barrier layer after said formation thereof; and attaching the barrier layer with the fire resisting agent infused therein to the substrate before completing said fabrication of the composite structure; [The process as defined in claim 15, wherein] said step of attaching the barrier layer to the substrate [is] being effected without use of adhesive by formation of the substrate during said in-situ infusion of the fire resisting agent into the barrier layer.

Cancel claims 4, 5, 7 and 11 without prejudice.